

# FINAL BILL REPORT

## ESHB 1080

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C 228 L 06

Synopsis as Enacted

**Brief Description:** Protecting dependent persons.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives McDonald, O'Brien and Morrell).

**House Committee on Criminal Justice & Corrections**  
**Senate Committee on Judiciary**

### **Background:**

#### I. Criminal Mistreatment

In general, a person commits criminal mistreatment if he or she:

- is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and
- withholds the basic necessities of life from the child or dependent person.

The penalty for criminal mistreatment depends on the intent of the perpetrator and the harm caused to the victim. For example, it is criminal mistreatment in the first degree if the perpetrator recklessly causes great bodily harm to the child or dependent person. Criminal mistreatment in the first degree is a class B felony with a seriousness level of V.

Additionally, it is criminal mistreatment in the second degree if the person recklessly creates an imminent and substantial risk of death or great bodily harm or recklessly causes substantial bodily harm. Criminal mistreatment in the second degree is a class C felony with a seriousness level of III.

#### II. Abandonment

In general, a person commits abandonment of a dependent person if he or she:

- is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and
- abandons the dependent person.

As with criminal mistreatment, the penalty for abandonment of a dependent person depends on the intent of the perpetrator and the harm caused to the victim. For example, it is abandonment of a dependent person in the first degree if the perpetrator recklessly causes great bodily harm. Abandonment of a dependent person in the first degree is a class B felony with a seriousness level of V.

Additionally, it is abandonment of a dependent person in the second degree if the perpetrator recklessly creates an imminent and substantial risk of death or great bodily harm or recklessly causes substantial bodily harm. Abandonment of a dependent person in the second degree is a class C felony with a seriousness level of III.

**Summary:**

I. Criminal Mistreatment

The circumstances under which a person can be guilty of criminal mistreatment are expanded to include when a person who has assumed the responsibility to provide a dependent person the basic necessities of life withholds the basic necessities of life. However, Good Samaritans and government agencies that regularly provide care or assistance to dependant persons are provided protection from criminal liability for negligent acts that constitute criminal mistreatment in the third or fourth degree.

A "Good Samaritan" is defined as any individual or group of individuals who are not related to the dependent person; who voluntarily provides assistance or services of any type to the dependent person; who is not paid, given gifts, or made a beneficiary of any assets valued at \$500 or more, for any reason, by the dependent person, the dependent person's family, or the dependent person's estate; and who does not commit or attempt to commit any other crime against the dependent person or the dependent person's estate.

The seriousness level for criminal mistreatment in the first degree is increased from V to IX. The seriousness level for criminal mistreatment in the second degree is increased from III to V.

II. Abandonment

The circumstances under which a person can be guilty of abandonment of a dependent person are expanded to include when a person who assumed the responsibility to provide a dependent person the basic necessities of life abandons the dependent person.

The seriousness level for abandonment of a dependent person in the first degree is increased from V to IX. The seriousness level for abandonment of a dependent person in the second degree is increased from III to V.

**Votes on Final Passage:**

House	97	0	
House	96	0	
Senate	42	0	(Senate amended)
House	97	0	(House concurred)

**Effective:** June 7, 2006